

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

MAY 28 2019

DIANA MEY
PLAINTIFF

v.

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

CIVIL ACTION NO: 5:19cv185
JURY TRIAL DEMANDED

CASTLE LAW GROUP, PC,
A Tennessee Corporation;
JUDSON PHILLIPS
An individual;
BRUYETTE AND ASSOCIATES, LLC,
A Florida Corporation

Stamp

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA.

PLEASE TAKE NOTE that pursuant to 28 U.S.C. § 1441, the Defendant Judson Phillips,
hereby removes the above entitled action to this Court upon the following supporting grounds.

1. On or about January 24, 2019, the plaintiff in this matter, through Counsel, filed
an action in the Circuit Court of Ohio County, West Virginia.
2. On May 17, 2019, Phillips, a resident of Tennessee, was served with a copy of
this action.
3. As of May 20, 2019, according to the Circuit Court Clerk of Ohio County, the
Defendant BRUYETTE AND ASSOCIATES ("Bruyette") had not been served. Castle
Law Group, PC ("Castle") has not been served.

4. Removal is authorized in this case, pursuant to 28 U.S.C § 1331 as there is a Federal Question involved (Count one of the action, violation of the Telephone Consumer Protection Act, 47 U.S.C §227(b)(1)(a).)
5. Removal is also authorized in this case, pursuant to 28 U.S.C. § 1441 as there is complete diversity of citizenship among the parties, and the amount in controversy is in excess of \$75,000.
6. The requisite diversity exists, as required under 28 U.S.C. § 1332, as the Plaintiff is a citizen of West Virginia, and the Defendant Phillips is a citizen of Tennessee. The other Defendants are respectively a Tennessee Corporation and a Florida Corporation
7. Pursuant to 28 U.S.C. §1446(a), a copy of the complaint is attached as an exhibit to this Notice.
8. Pursuant to 28 U.S.C. § 1446, the time period the defendant is allowed to remove a matter to Federal Court has not expired.
9. A copy of this notice will be served on the Plaintiff, through Counsel and to the other defendants at their last known addresses. A copy of this notice will also be filed in the Circuit Court of Ohio County, West Virginia. By filing this notice, Phillips does not waive and fully reserves all defenses he may have, including but not limited to the defense of lack of personal jurisdiction, lack of subject matter jurisdiction, improper venue, insufficient process, insufficient service of process and failure to state a claim upon which relief may be granted.

10. WHEREFORE the Defendant Phillips respectfully requests this action, now pending in the Circuit Court of Ohio County, West Virginia, be removed to the United States District Court for the Northern District of West Virginia. The Defendant Phillips hereby demands a jury trial in the above matter.

Respectfully Submitted,

Date:



Judson Phillips,
Pro Se
3117 Vera Valley Rd
Franklin, TN 37064

Certificate of Service

I certify that a copy of this Notice of Removal has been sent to the following parties:

1. Diana Mey, through Counsel Bailey and Glasser, LLP 209 Capitol Street, Charleston WV. 25301
2. Castle Law Group, PC 1113 Murfreesboro Rd, Suite 106-418, Franklin TN 37064
3. Bruyette and Associates, LLC. 6607A Hiddenwalk Dr #39, Winterpark FL, 32792



Judson Phillips